

Bond Case Briefs

Municipal Finance Law Since 1971

SUNSHINE ACT - PENNSYLVANIA

Smith v. Township of Richmond

Supreme Court of Pennsylvania - December 17, 2013 - A.3d - 2013 WL 6598713

Township resident brought action against township and township's board of supervisors, seeking declaratory and injunctive relief and alleging that defendants had violated the Sunshine Act.

The dispute concerned whether meetings between an agency and outside entities, including those involved in ongoing litigation with that agency, entailed "deliberations" – and thus, should have been open to the public – where the subject of the meetings was the same as that of the litigation, although the agency claims the meetings were held for information-gathering purposes only.

The Supreme Court of Pennsylvania concluded that closed-door gatherings did not involve deliberations and thus did not violate Sunshine Act.

Township's supervisors held four closed-door gatherings with cement company, citizens group, and adjacent municipalities that had experience dealing with quarries. These meetings did not involve "deliberations" and thus did not violate Sunshine Act, although at one gathering a brief exchange may have occurred between two supervisors concerning benefits of settlement of ongoing litigation regarding proposed expansion of cement company's limestone quarry into township. The gatherings were held with goal of gaining information that could prove useful to township in negotiating terms of settlement regarding litigation, and purported exchange between supervisors regarding benefits of settlement appeared to have been de minimis within context of meeting as a whole.